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Didsbury East Ward	Application Number 085558/FO/2008/S2	Date of Appln 16 th Jan 2008	Committee Date 13 th Mar 2008
Proposal	Change of use from bakery (A1) to take-away (A5) including installation of flues		
Location	671 Wilmslow Road, Didsbury, Manchester, M20 6RA		
Applicant	Mr Graham Cooper, 110 Heaton Moor Road, Stockport, Cheshire		
Agent	Dickinson Waugh Architecture Ltd Houldsworth Business And Arts Centre, Houldsworth Street, Stockport, Cheshire, SK5 6DA		

Description

The application relates to a change of use to of the premises from A1 (shop) to A5 (Hot Food Takeaway). The proposal is located on Wilmslow Road and forms part of Didsbury District Centre. To the north of the site is no. 669 Wilmslow Road, to the west is the former Clock Tower Public House, to the east are commercial properties on Warburton Street and to the south is no. 673 Wilmslow Road.

The property is currently an unused shop that was last used as a sandwich / pastry shop. This property was actually granted planning consent to a hot food take-away on 28th May 1987. However, it is unclear whether the permission was implemented or whether the property reverted back to an A1 (shop) use through a permitted change. The property is situated on Wilmslow Road within an existing retail parade of shops in the busy shopping district of Didsbury. The parade comprises a mixture of retail premises including A1, A2 and A5 uses. Residential flats and offices occupy the upper floors of the units. The site is the adjoining the end unit within the retail parade that sits on the corner of Warburton Street. Warburton Street is characterised by a mixture of commercial and residential properties. The first floor of the property is a residential flat which takes its access from the rear of the property via Warburton Street.

Consultations

Local Residents – Occupiers of properties surrounding the application were consulted on the application and 6 representations have been received. The comments made are summarised as follows:

- i) Too many takeaways in the area already
- ii) It will lead to more rubbish and litter
- iii) An increase in anti-social behaviour
- iv) Highway safety issues
- v) The extraction flue will be an eyesore

Didsbury Civic Society – The following concerns have been raised:

- i) Too many outlets of this nature in the area
- ii) Increase in traffic noise
- iii) Increase in litter, noise and odours
- iv) The overall decline of daytime shopping
- v) It faces the library and cenotaph, which are sited in a Blackburn Park Conservation Area.

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- vi) Increase in anti-social behaviour
- vii) Problems with the current takeaway next door

Ward Members - A representation was received from Cllr Tony Parkinson who raised the following concerns:

- i) The property adjoins no. 669 Wilmslow Road which is already a takeaway, where problems have arisen with regards to litter, noise and anti-social behaviour.
- ii) The proposal would cause disamenity to nearby residents.

Environment Health – No objection subject to condition

Licensing - No Premise License present for the site, therefore an application would be required to sell hot food between the 11.00pm and 05.00am.

Architectural Liaison Officer – No Comments

Issues

Unitary Development Plan (UDP) for the City of Manchester (Adopted 1995)

The application site is allocated within the Adopted UDP as falling within the District Centre for Didsbury as such policy DB1 relates. In addition to the site-specific policies, policy H2.2 in part 1 of the UDP and Policies DC10.1, DC10.2 and DC26.1 are also applicable.

Policy DB1 provides general guidance towards new development proposals in Didsbury. In particular, when deciding development proposals the Council will seek to ensure that the Didsbury area remains an attractive location in which to live and work and encourage commercial opportunities only where they will not cause harm to residential amenity.

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. Matters which the Council will consider when determining such applications are the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC10.1 (Food & Drink Uses) states that in determining planning application for development involving the sale of hot food to be consumed off the premises the Council will have regard to, particularly in this instance:

- i) The general location of the proposed development;
- ii) The effect on the amenity of neighbouring residents;
- iii) The storage and collection of refuse and litter.

Policy DC10.2 states further that the Council will normally accept the principle of development of this kind in the City Centre, industrial and commercial area and, at ground level, in local shopping parades of more than 8 shops or offices.

Policy DC10.4 states that where the Council considers food and drink premises to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the

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hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

Policy DC26.1 (Development & Noise) states that the Council intends to use the Development Control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider the effect of new development proposals, which are likely to be generators of noise.

Policy DC26.3 states that development likely to result in unacceptably high levels of noise will not be permitted in residential, near schools, hospitals, nursing homes and similar institutions and near open land used frequently for recreational purposes.

Other Relevant Policies and Guidance-In considering development proposals, reference is not only made to the UDP, but also other policies and supplementary planning guidance. In this case, these include Planning Policy Statement 1 (PPS1), Regional Spatial Strategy for the North West (Formerly RPG13, The North West Plan (draft Regional Spatial Strategy) and Draft Supplementary Planning Document (SPD) "A Guide to Development in Manchester 2".

RSS for the North West (RPG13) provides planning guidance for the North West region. Since 2004, the RSS has formed part of the statutory development plan, as such, the weight to be attached to its policies has increased.

Policy DP2 (Enhancing the Quality of Life) seeks to ensure that developments provide a high quality of life for this and future generations.

Policy UR1 (Urban Renaissance) deals with reviving local economies and communities.

The North West Plan (Draft RSS), publicised in January 2006, provides the planning framework for the physical development of the region over the next 15 to 20 years.

Policy W1 (Strengthening the regional economy) states that plans and strategies should promote opportunities for economic development.

Residential Amenity- The site premises are adjoining a shop and an existing Hot Food Take-away, which is sited at the corner of Warburton Street. The entrance to the premises fronts onto the busy Wilmslow Road and there are no external seating to the rear of the property, it is considered that there will not be significant noise and disturbance associated with the proposed change of use. There will not be increased levels of activity from patrons congregating in and around the premises that would have an unacceptable impact upon the amenity of the occupiers of the residential properties on Warburton Street. As the property is sited in Didsbury District Centre there is not be the same level of residential amenity available for nearby residents, compared to those who reside in predominantly residential areas. It is considered that allowing these premises to open until the proposed times would not have an increased impact upon crime and safety in the local area, as It is recognised that many of the existing licensed premises in the immediate area are legitimately open until

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01:00am at weekends. For this reason it is advised that the request to be open until 01:30am be resisted and limited to 01.00am like other similar outlets.

Visual Amenity – The extraction flue is sited on the rear of the property and will therefore have no visual impact on the main road frontage of Wilmslow Road itself. Like wise the area for the storage of refuse is located in the enclosed rear yard. The proposal will therefore not have a detrimental impact on the streetscene of which the application site forms part. The proposal is therefore acceptable in terms of visual amenity.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation Approve

Approve in the light of policy DB1, DC10, DC24 and H2.2 of the Unitary Development Plan on the basis that the change of use is appropriate in this busy District Centre Location and will not have an adverse impact in the area in terms of residential and visual amenity because of the conditions proposed.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawing no. 2231 date stamped as received 16th January 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy DB1, DC10, DC24 and H2.2 of the Manchester Unitary Development Plan.

3) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

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Monday to Thursday 08.00hrs to 00.00hrs, Friday 08.00hrs to 01.00hrs,
Saturday 09.30hrs to 01.00hrs, Sunday 10.00hrs to 00.00hrs.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

4) No loading or unloading shall be carried out on the site outside the hours of 07.30hrs to 20.00hrs, Monday to Saturday and no deliveries/waste collections at all on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

5) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy DC10 and DC24 of the Unitary Development Plan for the City of Manchester.

6) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

7) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the property.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

8) Unless otherwise approved in writing by the City Council as local planning authority, the security shutters hereby approved shall be secured in a fully open position between 0900 hours and 1800 hours Monday to Saturday excluding Bank Holidays.

Reason - In the interests of the visual amenity of the area, pursuant to policy DC14 of the Unitary Development Plan for the City of Manchester (adopted 1995).

List No.**Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 085558/FO/2008/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health
Licensing Unit
Greater Manchester Police
Didsbury Civic Society
Saints & Scholars, 694 Wilmslow Road, Manchester, M20 2DN
Wren Properties, 696 Wilmslow Road, Manchester, M20 2DN
Squires, 700 Wilmslow Road, Manchester, M20 2DN
O'neills, 655-657, Wilmslow Road, Manchester, M20 6RA
Didsbury Conservative Club, 659 Wilmslow Road, Manchester, M20 6RA
Original Third Eye, 661 Wilmslow Road, Manchester, M20 6RA
Ashley Brown, 663 Wilmslow Road, Manchester, M20 6RA
Didsbury Kebab House, 669 Wilmslow Road, Manchester, M20 6RA
Andrew Graham Shoes, 673 Wilmslow Road, Manchester, M20 6RA
Gentry Grooming Co, 675 Wilmslow Road, Manchester, M20 6RA
Fonda, 677 Wilmslow Road, Manchester, M20 6RA
Graham Peart & Co, Stroll House 681a, Wilmslow Road, Manchester, M20 6RA
663a, Wilmslow Road, Manchester, M20 6RA
661a, Wilmslow Road, Manchester, M20 6RA
Dog & Partridge, 665-667, Wilmslow Road, Manchester, M20 6RA
1 to 11 Warburton Street, Manchester, M20 6WA
15 & 17 Warburton Street, Manchester, M20 6WA
M J Leeming Opticians, 1a, School Lane, Manchester, M20 6RD
The Dental Health Centre, 1b, School Lane, Manchester, M20 6RD
675a, Wilmslow Road, Manchester, M20 6RA
Mcdonnell Haydock Residential Lettings, 698 Wilmslow Road, Manchester, M20 2DN
Philip James Partnership, 679-681, Wilmslow Road, Manchester, M20 6RA
677a, Wilmslow Road, Manchester, M20 6RA
Jem & I, 1c, School Lane, Manchester, M20 6RD

Representations were received from the following third parties:

G Ashley, Ashley Brown, 663 Wilmslow Road, Manchester, M20 6RA
W Levy, 671 Wilmslow Road, Didsbury, Manchester, M20 6RA
AG Slater, Andrew Graham Shoes, 673 Wilmslow Road, Manchester, M20 6RA
E Morten, 6 Warburton Street, Didsbury, Manchester, M20 6WA
A Johnson, 7 Warburton Street, Didsbury, Manchester, M20 6WA
I Bayliss, 8 & 9 Warburton Street, Didsbury, Manchester, M20 6WA

Didsbury Civic Society, Underbank House, Millgate Lane,, Didsbury.

Relevant Contact Officer : Wayne Johnson
Telephone number : 0161 234 4544
Email : w.johnson@manchester.gov.uk